

TH



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/417,065	10/13/1999	STEFAN B. EDLUND	AM9-99-066	6940

23334 7590 07/05/2002

FLEIT, KAIN, GIBBONS,
GUTMAN & BONGINI, P.L.
ONE BOCA COMMERCE CENTER
551 NORTHWEST 77TH STREET, SUITE 111
BOCA RATON, FL 33487

EXAMINER

NGUYEN, NGA B

ART UNIT PAPER NUMBER

3628

DATE MAILED: 07/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/417,065

Applicant(s)
Edlund et al.

Examiner
Nga B. Nguyen

Art Unit
3628



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on Apr 10, 2002

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 19-31 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 19-31 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

20) ☐ Other:

Art Unit: 3628

DETAILED ACTION

1. This Office Action is the answer to the Election filed on April 10, 2002, which paper has been placed of record in the file.
2. Claims 19-31 are pending in this application.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 25-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding to claims 25-30, the preamble recites method claims but the body of the claims is written in means. Moreover, "the current bid", "the limit maximum permitted" in step (f) are lack of antecedent basis.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3628

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 19-31 *insofar as they can be understood* are rejected under 35 U.S.C. 103(a) as being unpatentable over Huberman, U.S. Patent No. 5,826,244 in view of Official notice taken by Examiner.

Regarding to claim 19, Huberman discloses a purchasing agent method comprising the steps of: (see columns 3-18 and figures 3a-4b)

- (b) utilizing a user dialog to enter a product purchase request;
- (c) communicating with a first and/or next auction site;
- (d) determining if product purchase request is available, and if not, proceeding to step (c);
- (e) determining if the current bid from auction site is below the limit maximum permitted, and if not, proceeding to step (c);
- (f) placing a bid for product purchase request with auction site;
- (g) determining if bid has been accepted, and if so, canceling outstanding bids at other auction sites and terminating the purchasing procedure;
- (h) otherwise, determining if bidding has been terminated, and if so, proceeding to step (c);
- (I) determining if time is running out on any of the current outstanding bids, and if so, canceling all high-cost outstanding bids and returning to step (g); and

Art Unit: 3628

(j) otherwise, returning to step (c) to inquire if there are additional action sites in which it might be advantageous to place a bid on product purchase request.

Huberman does not disclose step (a) utilizing a user dialog to register at one or more auction sites to obtain a user identification and/or password. Official notice is taken that a user registers at one or more websites to obtain a user identification and/or password in order to establish a purchase transaction with the websites is old and well-known in the art. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include the features above with Huberman's for the security purpose.

Regarding to claim 20, Huberman further discloses wherein one or more of method steps is implemented using a personal computer (column 6, lines 5-20).

Regarding to claims 21-22, Huberman does not disclose product purchase requests are generated by a manufacturing resource and/or inventory planning system to supply parts and/or materials and/or supplies for a commercial enterprise. Official notice is taken that searching a manufacturing resource and/or inventory planning system for a product purchase request is old and well-known in the art. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include the features above with Huberman's for the purpose of providing the availability of the product requested to the user.

Regarding to claim 23, Huberman further discloses auction site is an Internet-based web auction site (column 5, lines 9-15).

Art Unit: 3628

Regarding to claim 24, Huberman further discloses step (f) prioritizes bid placement to permit only the lowest cost auction sites to be utilized in the bidding process (column 11, line 60-column 12, column 10).

Claims 20-30 are system claims that are parallel the limitations found in claims 1-7, 9, 10, 15, 18, as discussed above, therefore are rejected by the same rationale.

Claim 31 is written in computer software that are parallel the limitations found in claim 1 as discussed above, therefore are rejected by the same rationale.

Conclusion

7. Claims **19-31** are rejected.

8. The prior arts made of record and not relied upon is considered pertinent to applicant's disclosure:

Walker et al. (US 5,794,207) discloses a method and apparatus for effectuating bilateral buyer-driven commerce.

Conklin et al. (US 6,141,653) discloses a system for interactive multi variable negotiation over network.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen, whose telephone number is (703)306-2901. The examiner can normally be reached on Monday-Thursday from 7:30 AM-5:00 PM.

Art Unit: 3628

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A. Millin, can be reached on (703)308-1065.

10. **Any response to this action should be mail to:**

Commissioner of Patents and Trademarks

c/o Technology Center 2700

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

or:

(703) 308-5397 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II,
2121 Crystal Drive, Arlington.
VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)305-3900.

Nga B. Nguyen
June 27, 2002


VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600